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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/688,945

10/21/2003

Tetsuo Hoshi

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7590

07/23/2007

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EXAMINER

HUNG, STEPHEN C

ART UNIT

PAPER NUMBER

2615

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/688,945

**Applicant(s)**

HOSHI ET AL.

**Examiner**

Stephen C. Hung

**Art Unit**

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 14-16 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/21/2003</u> | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 1-6, 8, 9, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stern (US 2004/0098453 A1)** in view of **Itakura (US 2003/0060285 A1)**.

**Claim 1:** Stern teaches an audio delivery system (Figure 7) having a network address ("IP address," [0028]) comprising:

at least one terminal (Figure 7, station 700) which reads identifying information (Figure 7, barcode reader driver 711) from an identifying information recording part linked to a prescribed article (Figure 7, music CD 706) and sends the information to at least one server (Figure 7, server 770) set in advance via a network (Figure 7, network 760), as well as converts said received audio data to audible sounds or voices ("audio CD tracks," [0057]), and

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at least one server (Figure 7, server 770) which sends audio data ("audio CD tracks," [0057]) related to said article to said terminal via a network based on said received identifying information ("product information," abstract)

However, although Stern teaches that the invention "may use any networking protocol as its communications backbone," [0030], Stern does not specify that the network address is uniquely determined according to Internet Protocol Version 6 (IPv6).

In the same field of endeavor, Itakura teaches a network game system in which the network address is determined according to IPv6 ("Ipv6 addressing," [0024]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure the network address of Stern to Ipv6, in a similar manner taught by Itakura, since "IPv6 addressing has extended an IP address to 128 bits in length and thus can make the number of connectable nodes increase drastically," thus allowing the server to transmit data to more terminals (Itakura, [0024]).

**Claim 2:** Stern teaches an audio delivery system in accordance with claim 1, wherein said terminal comprises:

a reader unit (Figure 7, barcode reader driver 711) which reads said identifying information,

a first address storage (Figure 7, Flash ROM 790) in which said network address ("IP address," [0028]) is described,

a second address storage (Figure 7, 790) in which the network address ("IP address," [0028]) of at least one sending destination server (Figure 7, server 770) that sends said identifying information and said audio data delivery request is described

a communication unit (Figure 7, media communications module 740) which sends said identifying information and said delivery request and receives said audio data,

an audio output unit (Figure 4, player/driver 442) which converts said received audio data to audible sounds or voices, and

a central processing unit (Figure 7, CPU 790) which executes control programs and manages control of the whole terminal

**Claim 3:** Stern teaches an audio delivery system in accordance with claim 2, wherein the accessing priority ("network stack," [0028]) is set to network addresses ("IP address," [0028]) in said sending destination server (Figure 7, server 770).

**Claim 4:** Stern teaches an audio delivery system in accordance with claim 2 or claim 3,

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wherein said communication unit is a wireless communication unit ("wireless communication," [0025]).

**Claim 5:** Stern teaches an audio delivery system in accordance with claim 2 or claim 3, wherein a program update function (Figure 7, application program 800) is provided, which updates ("begin playing content from the multimedia server immediately upon receipt of the first audio packet, with the remaining packets being streamed in as it is buffered and played," [0060]) existing said control program to a new control program acquired via said communication unit (Figure 7, media communication module 740)

**Claim 6:** Stern teaches an audio delivery system in accordance with any of claim 1 to claim 3, wherein said identifying information is the information recorded by a bar code, is read by said reader unit (Figure 7, barcode reader driver 711) and is input to said terminal

**Claim 8:** Stern teaches an audio delivery system in accordance with any of claim 1 to claim 3, wherein said identifying information is the information output in the form of infrared rays ("UPC code scans," [0072]), is received by said reader unit and input to said terminal

**Claim 9:** Stern teaches an audio delivery system in accordance with any of claim 1 to claim 3, wherein said server (Figure 7, server 770) comprises:

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an audio data storage unit ("product information stored in said multimedia server," [0008]) in which audio data groups ("audio CD tracks," [0057]) related to said articles are stored, and

a delivery data search unit ("network file system," [0069]) which searches the audio data corresponding to said identifying information ("information file," [0069]) out of said audio data groups

**Claim 13:** Stern teaches an audio delivery system in accordance with any of claim 1 to claim 3, wherein said server (Figure 7, server 770) comprises:

an address storage unit ("product information stored in said multimedia server," [0008]) in which addresses ("IP address," [0028]) of said audio data ("audio CD tracks," [0057]) or said text data stored in at least either the relevant server or other servers are described, and

an address search unit ("network file system," [0069]) which searches for the relevant address ("IP address," [0028]) from said related address storage unit based on said identifying information ("information file," [0069]),

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and further delivers the relevant audio data ("audio CD tracks," [0057]) based on the searched address ("IP address," [0028])

3. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Stern (US 2004/0098453 A1)** in view of **Itakura (US 2003/0060285 A1)** as applied to claims 1, 2, and 3 above, and further in view of **Hendrix (US 2006/0252529 A1)**.

**Claim 7:** The modified device of Stern teaches an audio delivery system in accordance with any of claim 1 to claim 3.

However, the modified device of Stern does not teach wherein said identifying information is the information output in the form of radio waves.

In the same field of endeavor, Hendrix teaches a player jukebox which uses radio waves to output information identifying an article ("RFID reader," [0035]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the barcode reader of the modified device of Stern with the RFID reader of Hendrix since it is well known in the art that "RFID tag data capacity is big enough that any tag will have a unique code, while current bar codes are limited to a single type code for all instances of a particular product,"

(<http://en.wikipedia.org/wiki/RFID>).



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4. **Claims 10, 11, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stern (US 2004/0098453 A1)** in view of **Itakura (US 2003/0060285 A1)** as applied to claims 1, 2, and 3 above, and further in view of **Nugent, JR. (US 2004/0041021 A1)**.

**Claim 10:** The modified device of Stern teaches an audio delivery system in accordance with any of claim 1 to claim 3, wherein said server (Figure 7, server 770) comprises:

a text data storage unit ("product information stored in said multimedia server," [0008]) in which text data groups ("song title and track number," [0069]) for the information related to said articles are stored,

a delivery data search unit ("network file system," [0069]) which searches for the text data corresponding to said identifying information out of said text data groups ("song title and track number," [0069]), and

However, the modified device of Stern does not teach the server having an audio data conversion unit which speech-synthesizes said text data and converts them to audio data

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In the same field of endeavor, Nugent teaches a self checkout system having a server which incorporates an audio data conversion unit ("It should be appreciated that any type of criteria may be established to fit the needs of given retailer in regard to analyzing the contents of the customer profile database for the purpose of selecting an appropriate customer-specific advertisement message," [0127]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the audio data conversion unit of Nugent into the server of the modified device of Stern "in order to generate customer specific messages to the customer" (Nugent, [0127]).

**Claim 11:** The modified device of Stern teaches an audio delivery system in accordance with any of claim 1 to claim 3, wherein said server (Figure 7, server 770) comprises:

an audio data storage unit ("product information stored in said multimedia server," [0008]) in which audio data groups ("audio CD tracks," [0057]) related to said articles are stored,

a text data storage unit ("product information stored in said multimedia server," [0008]) in which text data groups ("song title and track number," [0069]) for the information related to said articles are stored,

a delivery data search unit ("network file system," [0069]) which searches related audio data or text data ("song title and track number," [0069]) from said audio data groups or text data groups ("song title and track number," [0069]) based on said identifying information, and

However, the modified device of Stern does not teach the server having an audio data conversion unit which speech-synthesizes the searched text data and converts them to audio data

In the same field of endeavor, Nugent teaches a self checkout system having a server which incorporates an audio data conversion unit ("It should be appreciated that any type of criteria may be established to fit the needs of given retailer in regard to analyzing the contents of the customer profile database for the purpose of selecting an appropriate customer-specific advertisement message," [0127]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the audio data conversion unit of Nugent into the server of the modified device of Stern "in order to generate customer specific messages to the customer" (Nugent, [0127]).

**Claim 12:** The modified device of Stern teaches an audio delivery system in accordance with claim 11, wherein attribute information is attached to said text data (Stern, "song

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title and track number," [0069]) and speech-synthesis is implemented using specified voices based on said attribute information (Nugent, "It should be appreciated that any type of criteria may be established to fit the needs of given retailer in regard to analyzing the contents of the customer profile database for the purpose of selecting an appropriate customer-specific advertisement message," [0127]).

### ***Conclusion***

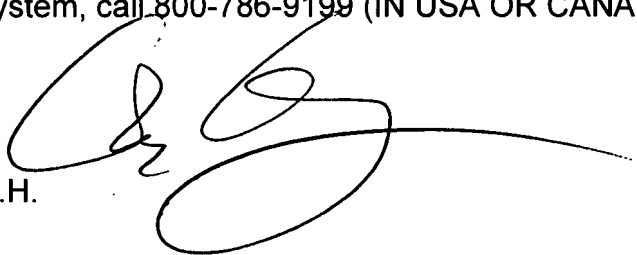
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen C. Hung whose telephone number is (571)270-1457. The examiner can normally be reached on M-Th 7:30am-5pm, Every other Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.H.

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.A handwritten signature in black ink, appearing to read 'Sinh Tran' with a stylized flourish at the end.

**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**